

08-07-04

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/792,180	03/03/2004	James T. Russell	02-68

CONFIRMATION NO. 4931

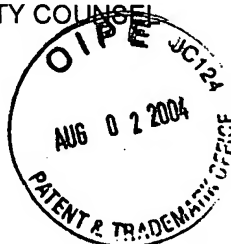
## FORMALITIES LETTER



\*OC000000013344739\*

30031

MICHAEL W. HAAS, INTELLECTUAL PROPERTY COUNSEL  
 RESPIRONICS, INC.  
 1010 MURRY RIDGE LANE  
 MURRYSVILLE, PA 15668



Date Mailed: 07/27/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$130 for a Large Entity

- \$130 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

08/04/2004 EFLORES 00000057 500558 10792180

01 FC:1051 130.00 DA

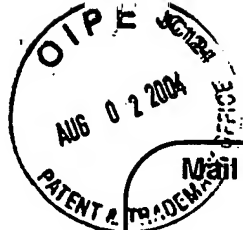
Y.G

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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

**Mail Stop Missing Parts****TRANSMITTAL  
FORM***(To be used for all correspondence after initial filing)*

<b>Application Number</b>	10/792,180	
	<b>Filing Date</b>	March 3, 2004
	<b>Confirmation Number</b>	4931
	<b>Inventor(s)</b>	RUSSELL
	<b>Group Art Unit</b>	2856
<b>Express Mail Label No.:</b> EL 997387457 US	<b>Examiner</b>	Unknown
<b>Total Number of Pages in This Submission:</b> 10	<b>Attorney Docket No.</b>	02-68

**ENCLOSURES** (check all that apply)

<input checked="" type="checkbox"/> <b>Fee Transmittal Form</b> (submit in duplicate)	<input type="checkbox"/> <b>Assignment Papers</b>	<input type="checkbox"/> <b>Issue fee Transmittal Form PTOL-85(b) + (c) and Cover Sheet</b>
<input type="checkbox"/> <b>Fee Attached</b> \$ <input type="text"/>	<input type="checkbox"/> <b>Cover Sheet</b>	<input type="checkbox"/> <b>After Allowance Communication to Group</b>
<b>Check No.:</b> <input type="text"/>	<input type="checkbox"/> <b>Drawing Change Authorization Request and Amended Figure(s)</b>	<input type="checkbox"/> <b>Appeal Communication to Board of Appeals and Interferences</b>
<input type="checkbox"/> <b>Amendment / Response</b>	<input type="checkbox"/> <b>Request for Return of PTO-1449 Forms</b>	<input type="checkbox"/> <b>Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)</b>
<input type="checkbox"/> <b>After Final</b>	<input type="checkbox"/> <b>Petition to the Commissioner</b>	<input type="checkbox"/> <b>Request for Continued Examination (RCE)</b>
<input type="checkbox"/> <b>Affidavits / Declaration(s)</b>	<input type="checkbox"/> <b>To Convert a Provisional Application</b>	<input type="checkbox"/> <b>Status Request Letter</b>
<input type="checkbox"/> <b>Extension of Time Request</b>	<input type="checkbox"/> <b>Power of Attorney, Revocation Change of Address</b>	<input type="checkbox"/> <b>Small Entity Statement</b>
<input type="checkbox"/> <b>Information Disclosure Statement</b>	<input type="checkbox"/> <b>Terminal Disclaimer(s)</b>	<input type="checkbox"/> <b>Request for Refund</b>
<input type="checkbox"/> <b>Form PTO-1449</b>	<input type="checkbox"/> <b>Certified Copy of Priority Document(s)</b>	<input checked="" type="checkbox"/> <b>Response to Missing Parts / Incomplete Application</b>
<input type="checkbox"/> <b>Cited References</b>	<input checked="" type="checkbox"/> <b>Certificate of Mailing by Express Mail</b>	
<input type="checkbox"/> <b>Search report</b>		
<input type="checkbox"/> <b>Drawing(s):</b> Number of Pages _____ Number of Figs. _____ and cover sheet	<input type="checkbox"/> <b>Other Enclosure(s):</b> _____	
<input type="checkbox"/> <b>Formal</b>		
<input type="checkbox"/> <b>Informal</b>		

**Current Due Date:** September 27, 2004**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

<b>Individual and Company</b>	Michael W. Haas, Reg. No. 35,174 RESPIRONICS, Inc., 1010 Murry Ridge Lane, Murrysville PA, 15668
<b>Signature</b>	<i>Michael W. Haas</i>
<b>Date</b>	August 2, 2004

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence and all enclosures are being deposited with the United States Postal Service with sufficient postage as "Express Mail Post Office to Addressee" in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: <u>August 2, 2004</u> , Express Mail Label No. <u>EL 997387457 US</u> .			
<b>Typed Name</b>	Michael W. Haas, Reg. No. 35,174		
<b>Signature</b>	<i>Michael W. Haas</i>	<b>Date</b>	August 2, 2004



## Certificate of Mailing by "Express Mail"

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August 2, 2004

Date of Deposit

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P.O. Box 1450  
Alexandria, VA 22313-1450.

*Michael W. Haas*

Signature of person mailing correspondence

Michael W. Haas

Typed or printed name of person mailing correspondence

Note: Each paper must have its own certificate of mailing by "Express Mail".

**FEE TRANSMITTAL**

(Effective 10/01/2003)

E-File Mail® Label No. EL 997387457 US

**TOTAL AMOUNT OF PAYMENT** \$ 130.00

Application Number 10/792,180

Filing Date March 3, 2004

First Named Inventor RUSSELL

Confirmation Number 4931

Group Art Unit 2856

Examiner's Name Unknown

Attorney Docket No. 02-68

**METHOD OF PAYMENT**

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit  
Account  
Number  
  
Deposit  
Account  
Name

50-0558

Respironics, Inc.

- ☒
- Charge any additional fee required under 37 C.F.R. §§ 1.16, 1.17 and 1.20
- 
- ☐
- Charge the Issue Fee set forth in 37 C.F.R. § 1.18

- 2.
- ☐
- Payment Enclosed:

Check (Check No. \_\_\_\_\_)

**FEE CALCULATION** (fees effective 10/01/2003)**1. FILING FEE**

Large Fee (\$)	Entity Fee (\$)	Small Fee (\$)	Fee Description	Fee Paid
1001 770	2001 385		Utility filing fee	
1002 340	2002 170		Design filing fee	
1003 530	2003 265		Plant filing fee	
1004 770	2004 385		Reissue filing fee	
1005 160	2005 80		Provisional filing fee	

**SUBTOTAL (1)** \$ 0.00**2. CLAIMS**

	Extra Claims	Fee from Below	Fee Paid
Total Claims _____	_____ x	18 =	
Ind. Claims _____	_____ x	86 =	
Multiple Dependent Claims add		290 =	

\* Enter Highest Number Previously Paid For

Large Fee (\$)	Entity Fee (\$)	Small Fee (\$)	Fee Description
1202 18	2202 9		Claims in excess of 20
1201 86	2201 43		Independent claims in excess of 3
1203 290	2203 145		Multiple dependent claim
1204 86	2204 43		Reissue independent claims over original patent
1205 18	2205 9		Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)** \$ 0.00**FEE CALCULATION** (continued)**3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or declaration	130.00
1052	50	2052	25	Surcharge - late provisional filing fee or or cover sheet	
1811	100	1811	100	Certificate of Correction	
1812	2,520	1812	2,520	For filing a request for reexamination	
576	25	576	25	Additional filing receipt, duplicate or corrected due to applicant error	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for response within first month	
1252	420	2252	210	Extension for response within second month	
1253	950	2253	475	Extension for response within third month	
1254	1,480	2254	740	Extension for response within fourth month	
1255	2,010	2255	1,005	Extension for response within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive unavoidably abandoned application	
1453	1,330	2453	665	Petition to revive unintentionally abandoned application	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1814	110	2814	55	Statutory Disclaimer	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Petitions related to provisional applications	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of property)	
1809	770	2809	385	Filing a submission after final rejection (37 C.F.R. § 1.129(a))	
1801	770	2801	385	Request for Continued Examination	

Other Fee (specify) \_\_\_\_\_

**SUBTOTAL (3)** \$ 130.00**SUBMITTED BY**

Typed or Printed Name	Michael W. Haas	Reg. Number	35,174
Signature	<i>Michael W. Haas</i>	Date	August 2, 2004
		Deposit Account Number	50-0558



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

Inventor : RUSSELL  
Appln. No. : 10/792,180  
Conf. No.: : 4931  
Filed: : March 3, 2004  
Title: : IMPROVED OPTICAL SYSTEM FOR A GAS  
MEASUREMENT SYSTEM  
Group Art Unit : 2856  
Examiner : Unknown  
Docket No. : 02-68

\* \* \* \* \*

August 2, 2004

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION  
(Filing Date Granted)**

Hon. Commissioner of Patents  
and Trademarks  
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Application, filing date granted,  
dated July 27, 2004, applicant hereby submits the following:

1. An original Combined Declaration and Power of Attorney for Patent Application form signed by inventor James T. Russell;
2. A copy of the Notice to File Missing Parts, filing date granted, dated July 27, 2004 (Form PTO-1533); and

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on August 2, 2004 with sufficient postage as "Express Mail Post Office to Addressee" in an envelope addressed to:

Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  
Express Mail Label No. EL 997387457 US.

*Michael W. Haas*

Michael W. Haas, Reg. No. 35,174

RUSSELL -- Appln. No.: 10/792,180

3. A Fee Transmittal Form, submitted in duplicate.

The Commissioner is hereby authorized to charge the surcharge for late filing of Declaration required under 37 C.F.R. § 1.16(e) to deposit account no. 50-0558. The Commissioner is also authorized to charge any other deficiency in the indicated fees or credit any overpayment to deposit account no. 50-0558.

Respectfully submitted,

By Michael W. Haas

Michael W. Haas

Reg. No.: 35,174

Tel. No.: (724) 387-5026

Fax No.: (724) 387-5021

RESPIRONICS INC.  
1010 Murry Ridge Lane  
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